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Customer No. 01333
Confirmation No. 7160

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Patrick Gerard, et al

APPARATUS AND METHOD FOR
TREATING IMAGING MATERIALS

Serial No. 10/565,054

Filed 17 January 2006

Group Art Unit:

Examiner:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE

This letter is in response to the Notification of Defective Response (Form PCT/DO/EO/916 (371 Formalities Notice)) mailed 17 July 2009.

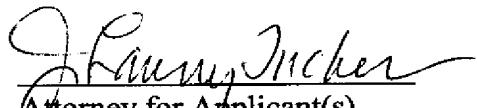
Enclosed herewith is a copy of the Declaration with the alterations initialed and dated as required by 37 C.F.R. 1.497.

Also enclosed is a copy of our Second Petition mailed August 9, 2007 authorizing payment for any fees due for the late filing of the Declaration.

This action is being taken within one month of the above Notice.

**Please charge the fee to Eastman Kodak Company Deposit Account
No. 05-0225.**

Respectfully submitted,


J. Lanny Tucker
Attorney for Applicant(s)
Registration No. 27,678

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Enclosure(s)
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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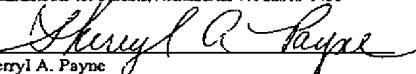
Serial No. 10/565,054

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Examiner:

I hereby certify that this correspondence is being deposited TODAY with the
United States Postal Services as First Class Mail in an envelope addressed to:
Commissioner for Patents, Alexandria, VA 22313-1450


Sherry A. Payne

Date

Mail Stop: PCT
Commissioner for Patents
Office of PCT Legal Administration
Alexandria, VA 22313-1450
Attn: PCT Legal Office

Sir:

**SECOND PETITION FOR WITHDRAWAL OF ABANDONMENT FOR
FAILURE TO RECEIVE AN OFFICE ACTION**

In Response to the Decision On Petition Under 37 CFR 1.181 mailed 31 July 2007, Petitioner hereby respectfully requests that the holding of abandonment of the above referenced application be withdrawn. The Official Action referred to by the Office, (Missing Requirement Letter, mailed 5/23/2006) was never received by the Petitioner and a search of the file jacket and docket records indicate that the Official Action was not received. Petitioner made several attempts to locate the application on the PAIRS database to ascertain the status of the filed application and could not find the data in either Public or Private Pairs. On February 16, 2007, Petitioner mailed a Status Inquiry regarding the application. On May 4, 2007, Petitioner located the application in PAIRS by searching the Docket number field. On that date it was discovered the case had been abandoned. From the Image File Wrapper in PAIRS, Petitioner printed Form 905 (371 Formalities Notice) which indicates a mail date by the Patent Office to Petitioner of May 23, 2006. The Petitioner's Customer Number does not appear on said Notice and said Notice was never received by Petitioner.

Pursuant to the practice adopted in 1156 OG 53, dated November 16, 1993, enclosed herewith are copies of the cover of the docket file as well as a summary from the Petitioner's automated docketing system, each indicating where the Official Action would have been entered had it been received.

Additionally, in Response to the Decision, Petitioners have provided a true docket record listing of all replies due on 23 July 2006 generated from our computer database. An entry for the present application is not present in this docket record.

A response to the Notification of Missing Requirements and the originally executed Declaration was previously submitted.

Please charge any fees due for the late filing of the Declaration, to Eastman Kodak Company Deposit Order Account Number 05-0225.

It is understood that no fee is required for the filing of this petition, the granting of which is hereby respectfully solicited.

Respectfully submitted,



Attorney for Applicant(s)
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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.